

NOV 27 2006

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/724,653	Applicant(s) LYONS, MICHAEL L.
	Examiner Tri Mai	Art Unit 3781

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

The Appeal Brief filed on 01
41.37.

2006 is defective for failure to comply with one or more provisions of 37 CFR

To avoid dismissal of the
1205.03) within **ONE MONTH**
EXTENSIONS OF THIS TIME

Commissioner for Patents
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1. The brief does not contain a separate heading or in the body of the brief, a statement setting forth the grounds for the appeal and the specific provisions of 35 U.S.C. 111, 112, and 113 that are relied upon by the appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(vii)).

2. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).

3. At least one argument is presented in the brief that does not contain a concise statement of each ground of rejection (37 CFR 41.37(c)(1)(vi)).

4. (a) The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).

5. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).

6. Other (including any explanation in support of the above items):

Contents: Appeal Brief
re Application Ser. Nr. 10/724,653 GAU: 3727
 Appeal Brief (15 pages)
 Claims Appendix (1 page)
 Evidence Appendix (15 pages; 14 exhibit items)
 Related Proceedings Appendix (1 page)
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Arlington, Virginia 22313-1450
Contents: Appeal Brief
re Application Ser. Nr. 10/724,853 GAU: 3727
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(x) Related Proceedings Appendix. This sections must have a separate heading within the brief with a note of "None" if there are no Related Proceedings.

Everett R. Williams
Everett R. Williams
Patent Appeals Specialist

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DATE: 2006 November 27

TO: Everett R. Williams, Patent Appeals Specialist

FROM: Nils Peter Mickelson, Reg. Nr. 40,089

SUBJ: Appeal Brief in re Application 10/724,653

RESPONSIVE TO: Notification of Non-Compliant Appeal Brief, mailed 2006 November 24

Sir,

The referenced notification indicates that you are not in receipt of the Related Proceedings Appendix in the Appeal Brief cited above.

We attach hereto a facsimile of the Notification itself, including the note "(x)" at the bottom, and of the receipt card from the Office stamped to confirm the Office receipt of this Appendix on 2006 November 08.

The Appendix, as indicated on the card, consisted of one (1) page only, and was in fact the final paper in the contents of the Appeal Brief as noted on the receipt card. It was placed under a separate heading within the brief and in the location specified by 37 CFR 41.37(c).

This communication is to ask for your preference as to the following actions:

1. Mail a separate "hard copy" of the missing Appendix, and if so to whom?
2. Send a facsimile of our file copy of the Appendix, and if so to what number and person?
3. Convert the "hard copy" to a PDF file and forward via e-mail or the Office Website, and if so how and to whom addressed?

Please reply by telephone to 207-929-4840 or Voicemail to 207-929-4165 or FAX to 207-929-4165 or E-mail to <n.p.mickelson@ieee.org>

Thank you,

/Nils Peter Mickelson?

Encl.

DATE: 27 November 2006 TIME: 16:36

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